

HOUSE BILL 3674

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 59,  
Chapter 8, Part 4, relative to surface coal mining.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Sludge Bypass  
Prevention Act".

SECTION 2. Tennessee Code Annotated, Section 59-8-413, is amended by adding the  
following language as a new subsection:

(f)

(1) The commissioner shall cause to be made inspections of any coal  
surface mining and reclamation operation having retention/sediment ponds to  
determine whether such ponds are sufficiently sized for runoff during periods of  
heavy rain.

(2) If such a pond is undersized, then the permit shall be modified to  
require a pond of sufficient size.

(3) No new permits shall be issued and no bond shall be released to such  
coal surface mining and reclamation operation unless all ponds satisfy this  
subsection (f).

(4) For purposes of this subsection, "periods of heavy rain" means the  
maximum seven-day rainfall in the county in which such pond is located during  
the past five (5) years.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.